

**EXHIBT A**

State of New York - Department of State  
Division of Corporations

Party Served:  
FLORY'S CORP.

Plaintiff/Petitioner:  
WURTZBURGER, ANNA

PRUDENCE FLORY  
207 WOOD ST  
MAHOPAC, NY 10541

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 09/06/2016 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW.

This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,  
Division of Corporations

DUTCHESS COUNTY  
CLERK'S OFFICE

2016 SEP -2 PM 12:48

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESSANNA WURTZBURGER -X

Plaintiff/Petitioner,

- against -

MR EVERETT JERRY FLORY, JAMIE FLORY,  
AND FLORY'S CORP.

Defendant/Respondent.

Index No. **2016****NOTICE OF OPT-OUT FROM PARTICIPATION  
IN ACTION SUBJECT TO MANDATORY ELECTRONIC FILING**

Pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts, I hereby opt out of participation in electronic filing in this mandatory e-filed case.

For Attorneys:I certify in good faith that I am unable to participate in mandatory electronic filing of documents in this case on behalf of my client, ANNA WURTZBURGER, because [place your initials in the applicable space]:

I lack [check off the applicable box]:

- ☐ the necessary computer hardware
- ☐ a connection to the internet
- ☐ a scanner or other device by which documents may be converted to an electronic format

I lack the knowledge regarding operation of computers and/or scanners needed to participate in electronic filing of documents in this case and no employee of mine or of my firm, office or business who is subject to my direction possesses such knowledge.

For Self-Represented Litigants:

I choose not to participate in electronic filing of documents in this case.

Dated: September 1, 2016

Paula T. Gabiger (Signature)

PAULA T. GABIGER (Name)

(Firm Name)

PO Box 3455 (Address)Poughkeepsie NY 12603(845) 421-2447 (Phone)

2016

## COUNTY CLERK, DUTCHESS COUNTY

Application for INDEX NUMBER pursuant to C.P.L.R. Section 8018  
INDEX NUMBER \_\_\_\_\_

FEE -\$210.00

Spaces below to be TYPED or PRINTED by applicant

## TITLE OF ACTION OR PROCEEDING

STATE OF NEW YORK

SUPREME COURT COUNTY OF DUTCHESS

CHECK AS APPLICABLE

ANNA WURTZBURGER,  
Plaintiff,CONSUMER CREDIT  
TRANSACTION \_\_\_\_\_

-against-

NOT CONSUMER  
CREDIT  
TRANSACTION \_\_\_\_\_

X

MR. EVERETT,

Index No.:

JERRY FLORY, JAMIE FLORY AND

FLORY'S CORP.,

Defendants.

NON PAYMENT  
OF CONTRACTUAL  
OBLIGATION

Name and Address of Attorney for Plaintiff(s) Or Petitioner Telephone No.:	PAMELA J. GABIGER P.O. Box 3455 Poughkeepsie, New York 12603 (845) 471-2447
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Name and address of Attorney for Defendant Or Respondent Telephone No.	
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A. Nature and object of action: NEGLIGENCE, AGE DISCRIMINATION  
Or  
Nature of special  
proceeding: \_\_\_\_\_

IS THIS ACTION OR PROCEEDING CONFIDENTIAL UNDER ANY LAW OF THE STATE  
OF NEW YORK?

YES \_\_\_\_\_

NO \_\_\_\_\_

X

B. Application for Index Number filed by:

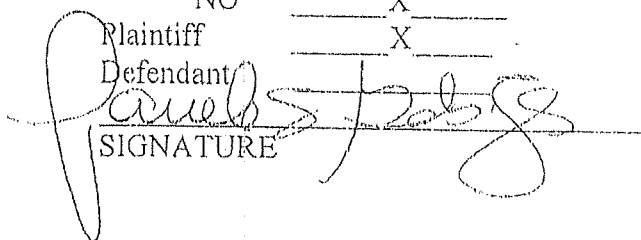
Plaintiff \_\_\_\_\_

Defendant \_\_\_\_\_

X

SEPTEMBER 1, 2016  
DATE

SIGNATURE



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESS

ANNA WURTZBURGER,

Plaintiff,

-against-

MR. EVERETT,

JERRY FLORY, JAMIE FLORY AND

FLORY'S CORP.,

Defendants.

Index No.: **2016**

Date Summons Filed:

Plaintiff designates

County as the place of

trial

The basis of venue is:

Plaintiff's residence

SUMMONS

Plaintiff

resides at

48 Hemlock Drive

Hopewell Junction, NY

12533

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the *Plaintiff's Attorney* within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: September 1, 2016

PAMELA J. GABIGER

Attorney for Plaintiff

P.O. Box 3455

Poughkeepsie, New York 12603

(845) 471-2447

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESS

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ANNA WURTZBURGER,

Plaintiff,

COMPLAINT

-against-

MR. EVERETT,

Index No.:

**2016**

JERRY FLORY, JAMIE FLORY AND

FLORY'S CORP.,

Defendants.

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Plaintiff, through attorney PAMELA GABIGER, complaining of  
defendants, states:

1. Plaintiff is a resident of Hopewell Junction, County of Dutchess,  
State of New York.
2. Defendant Flory's Corp. is a corporation with its principal place of  
business located at 1563 Route 82, Hopewell Junction, New York.

3. At all times hereinafter mentioned, Defendant Jamie Flory was and is an employee at Flory's Corporation, 1563 Route 82, Hopewell Junction, New York.
4. At all times hereinafter mentioned, Defendant Jerry Flory was and is an employee of Flory's Corporation, 1563 Route 82, Hopewell Junction, New York.
5. At all times hereinafter mentioned, defendant Mr. Everett was and is an employee of Flory's Corporation, 1563 Route 82, Hopewell Junction, New York.
6. The plaintiff is presently 63 years of age having been born on June 18, 1952.
7. This action is brought against defendants on the basis of an unlawful discriminatory practice relating to employment of plaintiff in connection with plaintiff's age.
8. Over the past few years, when plaintiff placed her application for employment with defendants, plaintiff was told by the Manager,

defendant Mr. Everett, that defendant did not need to hire anyone.

9. At the times that plaintiff placed her application periodically over the past few years, plaintiff informed the Manager, defendant Mr. Everett that she had several years of deli experience and 20 years experience in the Restaurant business. Plaintiff asked for the owner and was told by defendant Mr. Everett that the owner was never there.

10. At the times that plaintiff placed her application periodically over the past few years, plaintiff asked defendant Mr. Everett, "if you do not need to hire anyone then why do you have a "HELP WANTED" sign in the window?"

11. Thereafter, the "HELP WANTED" sign remained placed and when plaintiff repeatedly inquired about the status of her application for employment, she was again and again told by defendant Mr. Everett that defendants did not need to hire anyone.

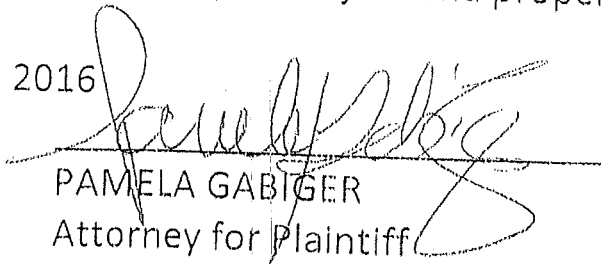


12.       Thereafter, plaintiff, Ms. Wurtzbarger noticed several new young faces working behind the deli and Ms. Wurtzbarger did not see any people more advanced in age working there.
13.       Upon information and belief, defendant hired a younger person or person(s) in place of plaintiff.
14.       That plaintiff was unable to secure new employment after defendants failed to hire her due to her age.
15.       That the foregoing acts of defendant constituted unlawful discrimination in violation of the Executive Law section 296 and in violation of the Age Discrimination in Employment Act and in violation of 29 U.S.C.A Section 621 et. seq.
16.       That the actions of defendants was with malice and without reason or basis and is so arbitrary, capricious and unfounded that plaintiff is thereby denied due process of law.
17.       That by reason of the aforesaid failure to hire the plaintiff by defendants, plaintiff suffered loss of income and benefits and was

caused mental anguish all to her damage in the sum of Twenty Million and no/100 (\$20,000,000.00 ) Dollars.

WHEREFORE, plaintiff demands judgment against defendants for general relief in accordance with CPLR 3017© together with interest, costs and disbursements of this action and for such other and further relief as to this Court may seem just and proper.

Dated: September 1, 2016



PAMELA GABIGER

Attorney for Plaintiff

P.O. Box 3455

Poughkeepsie, NY 12603

(845) 471-2447